

**Before the  
Federal Communications Commission  
Washington, D.C. 20554**

In the Matter of	)	File No. EB-02-TC-029
	)	
Charter Communications	)	CUID No. TX0589 (Cleburne)
	)	
Refund Plan	)	

**ORDER**

**Adopted: July 16, 2002**

**Released: July 17, 2002**

By the Chief, Enforcement Bureau:<sup>1</sup>

1. In this Order we consider the refund plan filed on June 7, 2002 by the above-referenced operator ("Operator")<sup>2</sup> pursuant to Order, DA 02-1049<sup>3</sup> ("Refund Order").<sup>4</sup> Our review of Operator's refund plan<sup>5</sup> reveals that the refund plan fulfills the requirements of the Refund Order provided Operator accrues interest up to the date of the refund.<sup>6</sup>

2. Accordingly, IT IS ORDERED that Operator's refund plan IS APPROVED AS MODIFIED HEREIN, and IT IS FURTHER ORDERED, pursuant to Section 76.962 of the Commission's rules, 47 C.F.R. § 76.962, that Operator implement its refund plan by January 31, 2003.

3. IT IS FURTHER ORDERED, pursuant to Section 76.962 of the Commission's rules, 47 C.F.R. § 76.962, that Operator shall file a certificate of compliance with the Chief, Enforcement Bureau, within 30 days of the payment of refunds certifying its compliance with this Order.

4. This action is taken pursuant to Sections 0.111 and 0.311 of the Commission's rules, 47 C.F.R. §§ 0.111 and 0.311.

FEDERAL COMMUNICATIONS COMMISSION

David H. Solomon

---

<sup>1</sup> Effective March 25, 2002, the Commission transferred responsibility for resolving cable programming services tier rate complaints from the former Cable Services Bureau to the Enforcement Bureau. *See Establishment of the Media Bureau, the Wireline Competition Bureau and the Consumer and Governmental Affairs Bureau, Reorganization of the International Bureau and Other Organizational Changes*, FCC 02-10, 17 FCC Rcd 4672 (2002).

<sup>2</sup> The term "Operator" includes Operator's predecessors and successors in interest.

<sup>3</sup> *In the Matter of Marcus Cable Associates, LP*, DA 02-1049 (EB, released May 8, 2002).

<sup>4</sup> The Refund Order required Operator to determine the overcharges to cable programming service tier ("CPST") subscribers for the period stated in the Refund Order and file a report with the Chief, Enforcement Bureau, stating the cumulative refund amount determined (including franchise fees and interest), describing the calculation thereof, and describing its plan to implement the refund within 60 days of Commission approval of the plan.

<sup>5</sup> Operator calculated a total refund liability of \$219,470.76.

<sup>6</sup> Due to the extensive passage of time from the date of refund liability, Operator requested an extension until January 31, 2003 to complete its refund payments.

Chief, Enforcement Bureau